

HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Public Interest Writ Petition No. 908 (M/B) of 2002

1. Mr. Ramamurthi Sredhar S/o M.C. Ramamurthi,
Trustee, Academy for Mountain Environics,
Head Office 646, Indire Nagar Dehradun,
R/o H-76 C, DDA Flats Saket, New Delhi,
2. Mr. Mahesh Lakhera S/o S.P. Lakhera,
R/o Village Kataldi, P.O. Nagni Patti Bamund,
District Tehri Garhwal. Petitioners.

Vs.

1. State of Uttaranchal through its Secretary,
Forestry & Environment Dehradun,
2. Union of India through its Secretary,
Ministry of Forest and Environment,
Govt. of India, New Delhi,
3. State of Uttaranchal through Secretary,
Industrial Development, Dehradun,
4. Mine Officer, Bhutatva & Khanikaram,
Regional Office, Dehradun,
5. District Magistrate, Tehri Garhwal,
6. Divisional Forest Officer, Narendra Nagar,
Forest Division, New Tehri,
7. M/s Parvatiya Mineral Industry, Village Tapovan,
District Tehri Garhwal,
Through its partner Sri Rajendra Singh Bhandari.
--- Respondents.

Mr. Siddhartha Sah, Advocate for the petitioners,
Sri. Paresh Tripathi, learned Standing Counsel for the State.
Sri V.K. Kohli, learned Senior Counsel for respondent no. 7.

**Coram:- Hon'ble M.M. Ghildiyal, J.
Hon'ble Rajesh Tandon, J.**

PC:

Heard Sri Siddhartha Sah, learned counsel for the petitioner, Sri Paresh Tripathi, learned Standing Counsel for the State of Uttaranchal and Sri V.K. Kohli, learned Sr. Counsel for the respondent no. 7.

2. The petitioner has filed the present petition as Public Interest Litigation.

3. The applicant/petitioner have filed this application for recall/review of the order dated passed by this Court on 19th March 2004. We have passed the order under review in two parts firstly, that the District magistrate Tehri Garhwal shall not permit mining operation in the impugned site, in case he finds that the mining operation, which is being done by the respondents, is derogatory.

4. Second part of order was to the effect that the petitioner is directed to submit his income tax return and deposit a sum of Rs. 25,000/- in this court within 10 days from today. In case the P.I.L., succeeds, the amount so deposited will be refunded to the petitioner after disposal of the P.I.L.

5. So far the second part of the order is concerned; the petitioner has not complied with the order passed by this Court. Counsel for the applicant/ petitioner has submitted that there is report of the Inspector General of Forest that the mining lease is not in accordance with law as held by Hon'ble the Supreme Court.

6. Having heard learned counsel for the parties and perusing of the record, we do not inclined to review or revoke the order dated 19th March 2004 passed by the Division Bench of this Court, however, in the circumstance of the case, the District Magistrate, Tehri Garhwal is directed to inquire into the entire matter and after taking into account all the reports which have been submitted before him in respect of the mining lease in dispute, if he reaches to the conclusions that the mining lease is

not in accordance with law or the mining is derogatory, he will stop the mining and cancel the lease.

7. The P.I.L. is disposed of accordingly.

(Rajesh Tandon, J.) (M.M. Ghildiyal, J.)

June 20,2006:

NCM: